



Filed: 11/12/2004

09300HB0552sam001

LRB093 05586 RLC 51976 a

1 AMENDMENT TO HOUSE BILL 552

2 AMENDMENT NO. _____. Amend House Bill 552 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Child Curfew Act is amended by changing
5 Section 1 as follows:

6 (720 ILCS 555/1) (from Ch. 23, par. 2371)

7 Sec. 1. Curfew.

8 (a) Definitions. In this Section.

9 (1) "Curfew hours" means:

10 (A) Between 12:01 a.m. and 6:00 a.m. Saturday;

11 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

12 (C) Between 11:00 p.m. on Sunday to Thursday,

13 inclusive, and 6:00 a.m. on the following day.

14 (2) "Emergency" means an unforeseen combination of
15 circumstances or the resulting state that calls for
16 immediate action. The term includes, but is not limited to
17 a fire, a natural disaster, an automobile accident, or any
18 situation requiring immediate action to prevent serious
19 bodily injury or loss of life.

20 (3) "Establishment" means any privately-owned place of
21 business operated for a profit to which the public is
22 invited including but not limited to any place of amusement
23 or entertainment.

24 (4) "Guardian" means:

1 (A) a person who, under court order, is the
2 guardian of the person of a minor; or

3 (B) a public or private agency with whom a minor
4 has been placed by a court.

5 (5) "Minor" means any person under 17 years of age.

6 (6) "Parent" means a person who is:

7 (A) a natural parent, adoptive parent, or
8 step-parent of another person; or

9 (B) at least 18 years of age and authorized by a
10 parent or guardian to have the care and custody of a
11 minor.

12 (7) "Public Place" means any place to which the public
13 or a substantial group of the public has access and
14 includes but is not limited to streets, highways, and the
15 common areas of schools, hospitals, apartment houses,
16 office buildings, transport facilities, and shops.

17 (8) "Remain" means to:

18 (A) linger or stay; or

19 (B) fail to leave premises when requested to do so
20 by a police officer or the owner, operator, or other
21 person in control of the premises.

22 (9) "Serious bodily injury" means bodily injury that
23 creates a substantial risk of death or that causes death,
24 serious permanent disfigurement, or protracted loss or
25 impairment of the function of any bodily member or organ.

26 (b) Offenses.

27 (1) A minor commits an offense if he or she remains in
28 any public place or on the premises of any establishment
29 during curfew hours.

30 (2) A parent or guardian of a minor or other person in
31 custody or control of a minor commits an offense if he or
32 she knowingly permits the minor to remain in any public
33 place or on the premises of any establishment during curfew
34 hours.

1 (c) Defenses. It is a defense to prosecution under
2 subsection (b) that the minor was:

3 (A) accompanied by the minor's parent or guardian
4 or other person in custody or control of the minor;

5 (B) on an errand at the direction of the minor's
6 parent or guardian, without any detour or stop;

7 (C) in a motor vehicle involved in interstate
8 travel;

9 (D) engaged in an employment activity or going to
10 or returning home from an employment activity, without
11 any detour or stop;

12 (E) involved in an emergency;

13 (F) on the sidewalk abutting the minor's residence
14 or abutting the residence of a next-door neighbor if
15 the neighbor did not complain to the police department
16 about the minor's presence;

17 (G) attending an official school, religious, or
18 other recreational activity supervised by adults and
19 sponsored by a government or governmental agency, a
20 civic organization, or another similar entity that
21 takes responsibility for the minor, or going to or
22 returning home from, without any detour or stop, an
23 official school, religious, or other recreational
24 activity supervised by adults and sponsored by a
25 government or governmental agency, a civic
26 organization, or another similar entity that takes
27 responsibility for the minor;

28 (H) exercising First Amendment rights protected by
29 the United States Constitution, such as the free
30 exercise of religion, freedom of speech, and the right
31 of assembly; or

32 (I) married or had been married or is an
33 emancipated minor under the Emancipation of Minors
34 Act.

1 (d) Enforcement. Before taking any enforcement action
2 under this Section, a law enforcement officer shall ask the
3 apparent offender's age and reason for being in the public
4 place. The officer shall not issue a citation or make an arrest
5 under this Section unless the officer reasonably believes that
6 an offense has occurred and that, based on any response and
7 other circumstances, no defense in subsection (c) is present.
8 ~~It is unlawful for a person less than 17 years of age to be~~
9 ~~present at or upon any public assembly, building, place, street~~
10 ~~or highway at the following times unless accompanied and~~
11 ~~supervised by a parent, legal guardian, or other responsible~~
12 ~~companion at least 18 years of age approved by a parent or~~
13 ~~legal guardian or unless engaged in a business or occupation~~
14 ~~which the laws of this State authorize a person less than 17~~
15 ~~years of age to perform:~~

16 ~~1. Between 12:01 a.m. and 6:00 a.m. Saturday;~~

17 ~~2. Between 12:01 a.m. and 6:00 a.m. Sunday; and~~

18 ~~3. Between 11:00 p.m. on Sunday to Thursday, inclusive,~~
19 ~~and 6:00 a.m. on the following day.~~

20 ~~(b) It is unlawful for a parent, legal guardian, or other~~
21 ~~person to knowingly permit a person in his or her custody or~~
22 ~~control to violate subparagraph (a) of this Section.~~

23 (e) ~~(e)~~ A person convicted of a violation of any provision
24 of this Section shall be guilty of a petty offense and shall be
25 fined not less than \$10 nor more than \$500, except that neither
26 a person who has been made a ward of the court under the
27 Juvenile Court Act of 1987, nor that person's legal guardian,
28 shall be subject to any fine. In addition to or instead of the
29 fine imposed by this Section, the court may order a parent,
30 legal guardian, or other person convicted of a violation of
31 subsection (b) of this Section to perform community service as
32 determined by the court, except that the legal guardian of a
33 person who has been made a ward of the court under the Juvenile
34 Court Act of 1987 may not be ordered to perform community

1 service. The dates and times established for the performance of
2 community service by the parent, legal guardian, or other
3 person convicted of a violation of subsection (b) of this
4 Section shall not conflict with the dates and times that the
5 person is employed in his or her regular occupation.

6 (Source: P.A. 89-682, eff. 1-1-97.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law."